



September 23, 2016

**Ex Parte**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: *Expanding Consumers' Video Navigation Choices* (MB Docket No. 16-42);  
*Commercial Availability of Navigation Devices* (MB Docket No. 97-80)

Dear Ms. Dortch:

On September 22, 2016, the undersigned, and Jonathan Banks of the United States Telecom Association (USTelecom), met with Gigi Sohn, Counselor to Chairman Wheeler, Jessica Almond, Legal Advisor to Chairman Wheeler, and John Williams of the Office of General Counsel regarding the above-referenced proceeding. During the meeting, USTelecom discussed its significant concerns with the approaches raised by Chairman Wheeler's "Fact Sheet" for addressing the issues in this proceeding.<sup>1</sup>

USTelecom noted widely shared concerns that the Commission's proposal exceeds its statutory authority, particularly with respect to its creation of a government-created and overseen, centralized licensing entity that would insert itself into the vibrant video marketplace by negotiating contracts for private parties and dictating the terms of copyright licenses. USTelecom emphasized the harms to innovation that would occur under the Commission's proposal, since MVPDs would be required to conform their diverse network architectures to a standardized technology. USTelecom also said that any corrective adjustments to the Commission's proposal should limit burdens on smaller providers by including the creation of an appropriate safe harbor.

Please do not hesitate to contact the undersigned if you have questions or concerns.

Sincerely,

Kevin G. Rupy  
Vice President, Law & Policy

cc: Gigi Sohn  
Jessica Almond  
John Williams

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<sup>1</sup> Fact Sheet, Chairman Wheeler's Plan to Increase Choice and Innovation in Video, (rel. Sept. 8, 2016) (available at: [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2016/db0908/DOC-341152A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0908/DOC-341152A1.pdf)) (visited Sept. 22, 2016).